



520.41238X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : SUGAYA *et al.*
Serial No. : 10/078,397
Filed : 21 February 2002
For : BEAM AS WELL AS METHOD EQUIPMENT
FOR SPECIMEN FABRICATION
Art Unit : 2881
Examiner : James P. Hughes
Conf. No. : 5607

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**REQUEST FOR CORRECTED OFFICE ACTION
AND RESTART OF THE PERIOD FOR RESPONSE**

Commissioner for Patents
POB 1450
Alexandria, VA 22313-1450

3 June 2003

Sir:

A final Office Action was mailed from the USPTO on 20 May 2003 for the above-identified application. In accordance with 37 CFR §1.104 and MPEP §707, Applicant submits that the 20 May Action is defective, and requests that a new or supplemental Action be mailed which also restarts the period for response.

The Form PTO-892 which accompanied Applicant's copy of the 23 May Action has a partial listing of the domestic references already made of record in the application by the Office Action dated 22 December 2002, but also lists a foreign reference newly-cited in the present case, *i.e.*, WO 99/17103, which reference is discussed in the "Conclusion" section on page 7 of the final Action. The only reference which accompanied Applicant's copy of the 20 May Action was an English language translation of JP 03-154784, which was cited to the Office in Applicant's

Information Disclosure Statement filed 24 March 2003. Applicant thanks the Examiner for providing a copy of the specific translation of the JP reference which is relied upon in the final Action to reject Claims 9 and 10 under 35 USC §103(a). However, no copy of the newly-cited WO 99/17103 was received by Applicant's copy of the 20 May Action. Accordingly, Applicant respectfully requests the Office to provide a copy of WO 99/17103 and restart the period for response to the 20 May 2003 Action.

This Request is being submitted within one month of the mailing date of the Action, and therefore is being timely requested by Applicant. No Petition or extension fee is permitted or required for this Request.

Respectfully submitted,



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